



February 9, 2017

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: NOTICE OF EX PARTE
WT Docket No. 10-208: *Universal Service Reform - Mobility Fund*
WC Docket No. 10-90: *Connect America Fund*

Dear Ms. Dortch:

On February 7, 2017, Tim Donovan and I of Competitive Carriers Association (“CCA”)¹ met with Rachael Bender, Acting Legal Advisor to Federal Communications Commission (“FCC” or “Commission”) Chairman Ajit Pai, Wireless; Jay Schwarz, Acting Legal Advisor to Chairman Pai, Wireline; and Kristen Harris, Law Clerk. Additionally, on February 8, 2017, Tim Donovan, Courtney Neville, and I met with Alexander Minard and Ryan Palmer of the Wireline Competition Bureau; and Jim Schlichting, Paroma Sanyal, and Charles Eberle of the Wireless Telecommunications Bureau, regarding the above-referenced proceedings. With the Mobility Fund Phase II item on the Commission’s February Open Meeting agenda, CCA reiterates its support to reform the Mobility Fund II program, encourages the FCC to simultaneously reform its data collection process which determines what areas of the country are eligible to receive funding, and urges the Commission to do no harm while reforming the program.

As CCA has long advocated, the FCC should implement a tiered phase down period for Universal Service Fund (“USF”) legacy support over several years. CCA understands the Commission plans to phase down legacy support immediately in certain areas not eligible for the reverse auction, which will have the effect of eliminating competition and widen the digital divide, placing critical rural health, public safety, and educational services, such as remote patient monitoring programs and advanced public safety applications, at risk of significant interruption or, worse, elimination. Simply put, any flash-cut of support is not acceptable. We therefore encourage the Commission to revise this plan prior to the February Open Meeting. Carriers require certainty that is provided by a predictable and equitable phase down of support to complete current builds

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members consisting of businesses, vendors, and suppliers that serve carriers of all sizes.

and to budget for future operations, especially with carriers preparing to integrate 600 MHz spectrum into their networks and with 5G deployments around the corner.

Just last week, a bipartisan group of 30 Senators noted that “wireless carriers need long-term certainty of ongoing support to invest, deploy, maintain, and update their networks that provide vital mobile broadband services in rural areas. As the best example, certainty should come in the form of sufficient and predictable USF support in both the implementation of MFII and *the transition away from legacy support mechanisms over the next several years*.”² CCA has advocated and will continue to recommend that Mobility Fund II should target geographic areas without LTE, while providing sufficient transitional certainty in legacy high cost areas. This approach would ensure that support is provided in areas where economics compel it and to prevent loss of existing coverage to consumers, farmers, doctors, nurses, teachers, and first responders. The FCC must base its funding decisions on accurate service data³ and avoid funding flash-cuts for legacy recipients to prevent widening the digital divide. We urge the Commission to follow Congress’s directive⁴ and ensure sufficient and predictable support.

² See Letter from Sens. Roger Wicker (R-Miss.), Joe Manchin (D-W.Va.), Tammy Baldwin (D-Wis.), Michael F. Bennet (D-Colo.), Roy Blunt (R-Mo.), Richard Burr (R-N.C.), Maria Cantwell (D-Wash.), Shelley Moore Capito (R-W.Va.), Bob Casey (D-Pa.), Thad Cochran (R-Miss.), Catherine Cortez Masto (D-Nev.), Dick Durbin (D-Ill.), Joni Ernst (R-Iowa), Deb Fischer (R-Neb.), Al Franken (D-Minn.), Cory Gardner (R-Colo.), Heidi Heitkamp (D-N.D.), Dean Heller (R-Nev.), John Hoeven (R-N.D.), Ron Johnson (R-Wis.), Angus King (I-Maine), Amy Klobuchar (D-Minn.), Jeff Merkley (D-Ore.), Jerry Moran (R-Kan.), Gary Peters (D-Mich.), Pat Roberts (R-Kan.), Thom Tillis (R-N.C.), Elizabeth Warren (D-Mass.), Ron Wyden (D-Ore.), and Todd Young (R-Ind.), U.S. Senate, to The Hon. Ajit Pai, Chairman, Federal Communications Commission (Feb. 2, 2017), (“Senate Letter to Renew Efforts to Close the Rural Broadband Gap”) (*emphasis added*).

³ See Letter from Sens. Wicker (R-MS), Manchin (D-WV), Baldwin (D-WY), Blunt (R-MO), Burr (R-NC), Capito (R-WV), Daines (R-MT), Ernst (R-IA), Fischer (R-NE), Gardner (R-CO), Heitkamp (D-ND), Johnson (R-WT), King (I-ME), Klobuchar, (D-MN), McCaskill (D-MO), Moran (R-KS), Peters (D-MI), Roberts (R-KS), Rubio (R-FL), Tillis (R-FL), Vitter (R-LA), Warner (D-VA), Wyden (D-OR), Cochran (R-MS), Boozman (R-AR), Kirk (R-IL), U.S. Senate, to The Hon. Tom Wheeler, Chairman, Federal Communications Commission (July 11, 2016), *available at* https://apps.fcc.gov/edocs_public/attachmatch/DOC-341429A2.pdf (Noting that “[i]mportantly, the FCC must rely on realistic measurements of network experience on the ground to determine areas to support.”). See also Letter from Sens. Blunt, Wicker, Moran, Ayotte (R-NH), and Fischer, U.S. Senate, to The Hon. Tom Wheeler, Chairman, Federal Communications Commission (Oct. 24, 2014) (“Ubiquitous, advanced mobile services remain a challenge, and considerable gaps persist in many rural areas.”).

⁴ See *id.*; and *supra*, note 2.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules. Please do not hesitate to contact me with any questions or concerns.

Respectfully submitted,

/s/ Rebecca Murphy Thompson

Rebecca Murphy Thompson
EVP & General Counsel
Competitive Carriers Association

cc (via email): Rachael Bender
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